

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
KENNETH TROY NASH JR., as :
Administratrix of the estate of Sandra Wilson, :
deceased and KEON LEE NASH, as :
Administratrix of the estate of Sandra Wilson, :
deceased, :

Plaintiffs, :

v. :

FINKELSTEIN MEMORIAL LIBRARY, :
EAST RAMAPO CENTRAL SCHOOL :
DISTRICT, and GLAUDIN BLANCHARD, :
Defendants. :

ORDER

20 CV 9821 (VB)

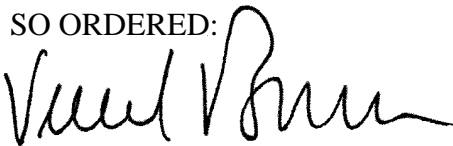
-----X
On January 28, 2021, defendants Finkelstein Memorial Library and East Ramapo Central School District separately moved to dismiss the complaint. (Docs. ##20, 24).

Accordingly, it is hereby ORDERED that, by no later than February 8, 2021, plaintiffs must notify the Court by letter whether plaintiffs (i) intend to file an amended complaint in response to the motions to dismiss, or (ii) will rely on the complaint that is the subject of the motions to dismiss.

If plaintiffs elect not to file an amended complaint, the motions will proceed in the regular course, and the Court is unlikely to grant plaintiffs a further opportunity to amend to address the purported deficiencies made apparent by the fully briefed arguments in defendants' motions. See Loreley Fin. (Jersey) No. 3 Ltd. v. Wells Fargo Sec., LLC, 797 F.3d 160, 190 (2d Cir. 2015) (leaving "unaltered the grounds on which denial of leave to amend has long been held proper, such as undue delay, bad faith, dilatory motive, and futility"); accord F5 Capital v. Pappas, 856 F.3d 61, 89–90 (2d Cir. 2017). The time to file opposing and reply papers shall be governed by the Federal Rules of Civil Procedure and the Local Civil Rules, unless otherwise ordered by the Court.

If plaintiffs elect to file an amended complaint, plaintiffs must file the amended complaint by no later than 14 days after notifying the Court of their intent to do so. Within 21 days of such amendment, defendants may either: (i) file an answer to the amended complaint; or (ii) file a motion to dismiss the amended complaint; or (iii) notify the Court by letter that defendants are relying on the initially filed motions to dismiss.

Dated: February 1, 2021
White Plains, NY

SO ORDERED:


Vincent L. Briccetti
United States District Judge